

## **REMARKS**

### **I. INTRODUCTION**

Claims 5, 7, 9, and 14 have been amended to put the application in condition for allowance, or at least in better condition for appeal. Claims 1-4, 6, 8, and 11 were cancelled previously. The claim amendments made herein are sufficiently minor as not to trigger the need for additional search and/or consideration. The amendments made herein are fully consistent with and supported by the originally-filed disclosure. No new matter within the meaning of 35 U.S.C. 132(a) has been introduced by the foregoing amendments.

All of the outstanding claim rejections are traversed for the reasons set out below.

### **II. THE CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a) SHOULD BE WITHDRAWN**

The April 1, 2009 Final Office Action contained multiple rejections under 35 U.S.C. § 103(a), namely:

- a rejection of claims 5, 7, 9, 10, 12-21, and 24-25<sup>1</sup> as being unpatentable for obviousness over U.S. Patent No. 6,139,177 to Venkatraman, et al. (hereinafter “Venkatraman”) in view of U.S. Patent Application Publication No. 2001/0045451 to Tan et al. (hereinafter, “Tan”) and U.S. Patent No. 6,862,612 to Horn et al. (hereinafter, “Horn”); and
- a rejection of claims 22 and 23<sup>2</sup> as being unpatentable for obviousness over Venkatraman in view of Tan and Horn, and further in view of U.S. Patent No. 6,912,578 to Hanco et al. (hereinafter, “Hanco”).

Such rejections are traversed.

#### **A. Neither Tan Nor Horn Are Properly Combinable With Venkatraman Against Any of Applicant's Claims**

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<sup>1</sup> See 03/09/09 Office Action, pp. 2-7.

<sup>2</sup> See 09/09/09 Office Action, pp. 7-8.

An obviousness rejection must be premised on art reasonably available to the applicant. “In order to rely on a reference as a basis for rejection of an applicant's invention, the **reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem** with which the inventor was concerned.” *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992); *see also In re Deminski*, 796 F.2d 436, 442, 230 USPQ 313, 315 (Fed. Cir. 1986); MPEP 2141.01(a).

Neither Tan nor Horn are properly combinable with Venkatraman, as neither Tan nor Horn are in the field of control of appliances, or are reasonably pertinent to the particular problem of enabling user profiles or personal settings to be easily applied to different appliances or easily re-set for different users. Tan relates to a system for token-based user access authentication to enable secure user access to a web server using a token, such as a smart card, and provides a single sign-on mechanism that does not employ a user name and password in the log-on process. Tan specifically focuses on online financial transactions including online commercial use of credit cards and online banking. Horn relates to the saving at a central location of one or more sets of purchaser-specific information, and retrieval and user of such information by multiple server systems. Like Tan, Horn is specifically concerned with online commercial transactions. As neither Tan nor Horn are in the field of control of appliances, or are reasonably pertinent to the particular problem of enabling user profiles or personal settings to be easily applied to different appliances or easily re-set for different users<sup>3</sup>, neither Tan nor Horn is properly combinable with Venkatraman against Applicant’s claims. Such fact provides a basis for withdrawing all claim rejections that is *independent* of the failure of any hypothetical combination of these references to disclose all elements of Applicant’s claims.

Accordingly, Withdrawal of all rejections based at least in part on the combination of Venkatraman, Tan, and Horn (i.e., all rejections) is warranted, and is respectfully requested.

B. The Office Action Fails to Provide Articulated Reasoning With Some Rational Underpinning of Obviousness to Support the Legal Conclusion of Obviousness of Applicant's Claims

Applicant's pending claims include three independent claims, namely, appliance claim 5, method claim 9, and method claim 14. Of these three independent claims 5, 9, and 14, the April 1, 2009 Office Action only provides a detailed rejection of independent claim 14. In other words, **no detailed rejection of independent claims 5 and 9 is contained in the April 1, 2009 Office Action.** Claims 5 and 9 include limitations that are different from claim 14, but in each instance the examiner merely stated that such claims "contain[] limitations that are similar to [another dependent claim], and is therefore rejected under the same basis."<sup>4</sup> Because the rejections of claims 5 and 9 are unsupported by any comparison to the cited art or related reasoning, the rejections of these claims are improper and should be withdrawn<sup>5</sup>. Likewise, the rejections of the claims depending from claims 5 and 9 should also be withdrawn.

As compared to claims 5 and 14, the April 1, 2009 Office Action does contain more detail supporting the rejection of independent claim 14; however, the rejection of claim 14 still lacks sufficient 'articulated reasoning with some rational underpinning,' as detailed below.

In *KSR International Co. v. Teleflex Inc.*, 127 S.Ct 1727, 167 L.Ed.2d 705, 82 USPQ2d 1385 (April 30, 2007), the Supreme Court stated that:

"A patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art. ... [Rather], it can be **important to identify a reason that would have prompted a person of ordinary skill in the relevant art to combine the [prior art] elements in the manner claimed.**"<sup>6</sup>

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<sup>4</sup> See April 1, 2009 Office Action, page 5.

<sup>5</sup> See MPEP 2144 ("Sources of Rationale Supporting a Rejection Under 35 U.S.C. 103"), citing *Ex parte Clapp*, 227 USPQ 972 (Bd. Pat. App. & Inter. 1985); *KSR International Co. v. Teleflex Inc.*, 127 S.Ct 1727, 167 L.Ed.2d 705, 82 USPQ2d 1385 (April 30, 2007).

<sup>6</sup> See *KSR*, 82 USPQ2d at 1389 (emphasis added).

It is fundamental to a proper rejection of claims under 35 U.S.C. § 103 that an examiner must present a convincing line of reasoning supporting the rejection<sup>7</sup>. The Supreme Court in *KSR* affirmed the validity of such approach, stating that “**there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness**”<sup>8</sup>.

At page 4 of the April 1, 2009 Office Action, the examiner justified the hypothetical combination of Venkatraman with Tan and Horn as follows:

“It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Venkatraman et al with Tan et al and Horn et al for the purpose of equipping a smartcard with web server access abilities, in order to invoke communicate [sic – *communication of*] data from the smartcard to a particular server for user authentication or for secure access to a specific website. Furthermore, accessing customer/user profiles maintained in an external/remote server is obvious and well-known in the art for the purpose of offloading the maintenance of customer/user profiles to a dedicated server, and accessing the dedicated profile server to obtain control [of] a customer/user device based on preferences of and data related to the customer/user.”

A first problem with the foregoing argument stated in the Office Action is that Venkatraman does not disclose use of any smart card. Addition of a smart card to Venkatraman’s web-enabled device control system would require substantial reconstruction or redesign, or a change in basic operating principles of Venkatraman’s system. It is well-established that a suggestion to combine references **cannot require substantial reconstruction or redesign** of such references, **or a change in basic operating principles** of a construction of a reference, to arrive at the claimed invention<sup>9</sup>.

Additionally, Applicant respectfully disagrees with the examiner’s assessment that “*accessing customer/user profiles maintained in an external/remote server is obvious and well-known in the art for the purpose of ... accessing the dedicated profile server to obtain control [of] a customer/user device based on preferences of and data related to the customer/user.*” This is an unsupported conclusion lacking articulated reasoning with some rational underpinning, the likes of which have been deemed insufficient for

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<sup>7</sup> See MPEP 2144 (“*Sources of Rationale Supporting a Rejection Under 35 U.S.C. 103*”), citing *Ex parte Clapp*, 227 USPQ 972 (Bd. Pat. App. & Inter. 1985).

<sup>8</sup> See *KSR*, 82 USPQ2d at 1396 (emphasis added).

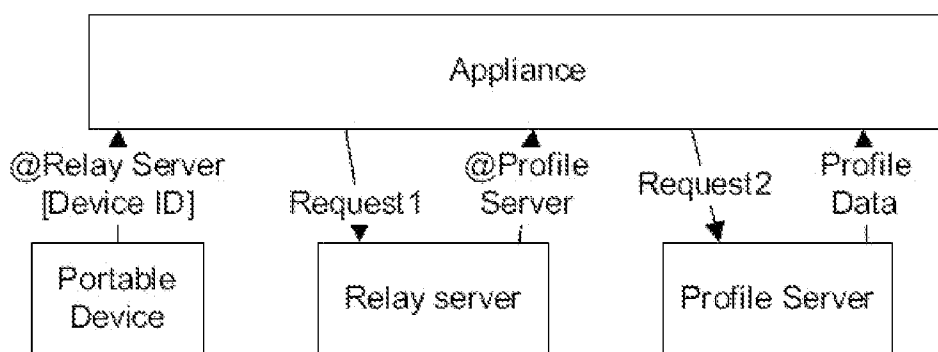
<sup>9</sup> *In re Ratti*, 270 F.2d 810, 123 USPQ 349, 352 (C.C.P.A. 1959).

supporting an obviousness rejection<sup>10</sup>. If such purported fact is indeed well known in the art as alleged by the examiner, then the examiner is hereby requested to present competent evidence of same, or withdraw the argument.

Based on the foregoing, withdrawal of the rejections of independent claims 5, 9, and 14 is warranted, and is respectfully requested.

C. The Cited Art Fails to Disclose All Elements of Applicant's Independent Claim 14

Applicant's claim 14 is directed to a method of controlling an appliance, including steps involving the appliance as well as a remote device<sup>11</sup>, an external relay server<sup>12</sup>, and an external profile server<sup>13</sup>. A graphic summarizing communications between these elements as pertinent to Applicant's claim 14 was provided in the Amendment filed on January 9, 2009; such graphic is further reproduced below.



In connection with Venkatraman Figure 2 (reproduced below), Venkatraman discloses a device 10 that may be remotely accessed and controlled with a web browser 40 via an interposing network 30, and discloses a web server 50 that is provided for the

<sup>10</sup> See KSR, *supra*.

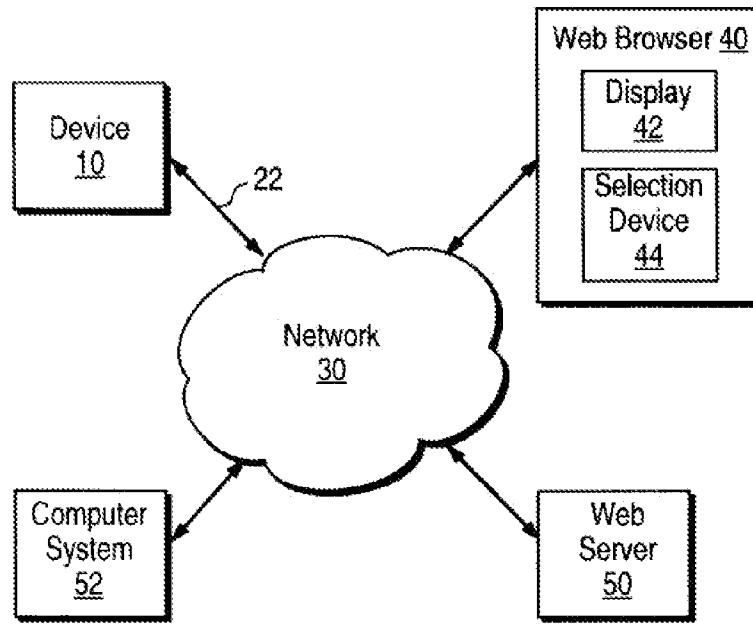
<sup>11</sup> According to claim 14, the appliance receives an address of an external relay server from the remote device.

<sup>12</sup> According to claim 14, the external relay server receives transmission of a first request from the appliance, and the appliance receives a profile address from the relay server.

<sup>13</sup> According to claim 14, the appliance receives user preference data from the external profile server based on transmission of a second request transmitted from the appliance.

specific purpose of providing (for download to the device 10) “package files, software elements, and software updates<sup>14</sup>.”

FIG. 2



At col. 3, lines 1-10, Venkatraman discloses:

HTTP commands are used by web clients to obtain information from the device 10 including the device home page 18, the loader web page 28, and the registered interest web page 29. In addition, **HTTP commands are generated in the device 10** to perform file transfers via the communication link 22 and to obtain new information and software elements for loading into the device 10 and for updating native code in the device 10.

The loading aspect mentioned above is further detailed in the following passage<sup>15</sup> of Venkatraman, which discusses the loading function as involving the web server 50 to provide a package file that embodies text listing URLs of one or more components to be loaded or installed to the device 10 for purposes of software updating or installation:

<sup>14</sup> See Venkatraman, col. 4, lines 43-51.

<sup>15</sup> See Venkatraman, col. 7, lines 35-59.

FIG. 5 illustrates the handling of a load request by the loader 24.

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If the security check passes at step 160, then at step 162 the loader 24 downloads the package file specified by the URL contained in the load request. The loader 24 uses file transfer services provided by the web core 14 to perform the file transfer of the package file via the network 30. The package file may be store anywhere on the network 30. For example, the **package file may be stored on the web server 50** or the computer system 52.

The package file in one embodiment is a **text file that lists URLs of one or more components to be loaded or installed** and further specifies a type indication for each component. The type indication specifies whether the corresponding component is part of a new software object to be loaded into the device 10 or part of native code to be installed into the device 10.

The only disclosed functions of Venkatraman's web server 50 are to provide the foregoing software elements, software updates, and package files identifying addresses of one or more software components to be loaded or installed.

Venkatraman fails to disclose an external profile server that contains user preference data, *let alone* the reception and transmission steps involving the external profile server as recited in Applicant's claim 14. Likewise, Venkatraman fails to disclose an external relay server that contains an address for an external profile server that contains user preference data, *let alone* the reception and transmission steps involving the external relay server as recited in Applicant's claim 14.

Venkatraman's web browser 40 is provided to "access[] and control the device 10 via the network 30 by accessing the device home page 18, the loader web page 28, and the register interest web page 29 using HTTP protocols<sup>16</sup>." Such access and control functions of Venkatraman's web browser 40 cannot be equated with the functions of *storing and supplying user preference data* as provided by Applicant's external profile server, or the functions of *storing and supplying profile server address information* as provided by Applicant's external relay server.

As discussed previously, Venkatraman's web server 50 provides software elements, software updates, and package files identifying addresses of one or more

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<sup>16</sup> See Venkatraman, col. 4, lines 43-48 and col. 3, lines 20-30.

software components to be loaded or installed. The software storage and/or software address storage functions of Venkatraman's web server 50 cannot be equated with the functions of *storing and supplying user preference data* as provided by Applicant's external profile server, or the functions of *storing and supplying profile server address information* as provided by Applicant's external relay server.

Thus, neither one of Venkatraman's web browser 40 nor Venkatraman's web server 50 embody a "relay server" or a "profile server" as recited in Applicant's claim 14.

At pages 2-3 of the April 1, 2009 Office Action, the examiner alleges that Venkatraman discloses various (but not all) elements of claim 14, with an identification of support for such elements. Such examiner allegations are summarized below, together with Applicant's comments regarding these allegations.



<u>Claim Element</u>	<u>Examiner's identification of alleged support for Claim Element in Venkatraman</u>	<u>Applicant's Comments</u>
"Transmitting from the appliance, a first request to the relay server"	"Col. 5 lines 36-67 – transmits first request to the device's web server."	<p>Col. 5, lines 36-67 of Venkatraman refers to user access of a device home page of the device 10 using a web browser 40, wherein "[t]he user enters a URL corresponding to the device home page 18 into the web browser 40<sup>17</sup>," and the device responsively returns the device home page 18 to the web browser<sup>18</sup> ... ."</p> <p>The web core 14 of the device 10 either "generates the device home page 18 on the fly," or stores in memory of the device in HTML format "contents of the device home page [that] are periodically updated by web core 14<sup>19</sup> ... ."</p> <p>The foregoing passages of Venkatraman disclose direct communication between the device 10 and the web browser 40 initiated by entry of address information by a user, <b><u>without need for any "relay server" to facilitate storage and communication of address information.</u></b> Venkatraman does not disclose any relay server.</p>

<sup>17</sup> Venkatraman, col. 5, lines 36-38.

<sup>18</sup> Venkatraman, col. 5, lines 43-45.

<sup>19</sup> Venkatraman, col. 5, lines 46-62.

<u>Claim Element</u>	<u>Examiner's identification of alleged support for Claim Element in Venkatraman</u>	<u>Applicant's Comments</u>
<p>"Receiving, at the appliance, a profile address from the relay server, based on the first request"</p>	<p>"Col. 6, line 5 – col. 7, line 8 – receiving address of the loader web page from the device's homepage."</p>	<p>Venkatraman states the following at col. 6, lines 53-64:</p> <p>"A user accesses the loader 24 in the device 10 by selecting the hyperlink 66 using the web browser 40. In response, the <b>web browser 40 obtains the URL for the loader 24 from the device home page 18 stored in the web browser 40</b> and transfers an HTTP command which includes the URL for the loader 24 over the network 30. <b>The web core 14 receives the HTTP command via the communication path 22 and recognizes the URL for the loader 24</b> contained therein. The web core 14 passes the received HTTP command to the loader 24. The loader 24 then provides the loader web page 28 to the web core 14 which transfers the loader web page 28 to the web browser 40 over the network 30."</p> <p>Venkatraman's loader 24 and web core 14 are within the device 10 (see Venkatraman FIG. 1); the web core 14 and may be used to load or install software components<sup>20</sup>. As noted in the foregoing excerpt, the web core 14 (in the device 10) receive a HTTP command from the web browser, which command contains the URL for the loader (in the device 10), and ultimately causes the web core 14 to transfer the loader web page to the web browser 40.</p> <p><b>The only address received by the device 10 is the URL for the loader 24</b> – which is <i>part of the device 10</i>. There is no indication in Venkatraman that the loader 24 embodies a "profile address" as recited in Applicant's claim 14. Moreover, Venkatraman fails to disclose any relay server as recited in claim 14.</p>

<u><b>Claim Element</b></u>	<u><b>Examiner's identification of alleged support for Claim Element in Venkatraman</b></u>	<u><b>Applicant's Comments</b></u>
"Transmitting, from the appliance, a second request to a profile server corresponding to the profile address"	"Col. 3 lines 39-53, col. 7 lines 9-52 – transmit load request to loader webpage via an external web browser, hence the loader webpage is provided by external source/server accessible via the external browser of the web core."	<p>As noted immediately above, Venkatraman's web browser 40 obtains the URL for the loader 24 from the device home page 18 stored in the web browser 40 – and such home page 18 is generated by or at least updated by the web core 14 within the device 10.</p> <p>There is no indication in Venkatraman that the loader 24 embodies a "profile address" as recited in Applicant's claim 14.</p> <p>Moreover, Venkatraman fails to disclose any profile server.</p>
"Receiving, at the appliance, data from the profile server, based on the second request"	"Col. 3, lines 38-53, col. 7, line 53 - col. 8, line 9 – receive updated device configuration from loader after downloading components from a retrieved package file."	As noted previously, Venkatraman fails to disclose any profile server.
"Controlling the appliance in accordance with the data from the profile server"	"Abstract, col. 3, lines 20-30 & 38-58, col. 8, lines 5-9 – controlling and configuring the appliance based upon the downloaded components from the loader."	As noted previously, Venkatraman fails to disclose any profile server.

The April 1, 2009 Office Action at page 3 thereof expressly concedes that Venkatraman "fail[s] to explicitly teach[:]"

[A] receiving, at the appliance, an address of an external relay server from a remote device, and

[B] receiving at the appliance, user preference data from the external profile server and controlling the appliance in accordance with the user preference data.”

In seeking to remedy the failure of Venkatraman to disclose the foregoing elements [A] and [B], the Office Action points to the disclosures of Tan<sup>21</sup> and Horn<sup>22</sup>.

Tan has been cited by the examiner as disclosing “receiving the address of an external access/web server from a smart card ... upon which the access server generates an authentication cookie that allows the user’s browser access to additional servers on behalf of the user.” Tan’s authentication cookie is communicated to the browser of the client workstation<sup>23</sup>; however, such cookie does not constitute “user preference data” as recited in claim 14. Tan fails to disclose an external relay server that contains an address for an external profile server that contains user preference data that may be used for control of an appliance. Tan also fails to disclose reception by the appliance of a profile address, followed by transmission from the appliance of a request to an external profile server, and reception at the appliance of user preference data useful for controlling the appliance.

Horn has been cited by the examiner as disclosing “retrieving customer profile information from the unique location of a remote customer data bank or application server that stores customers profile information and using the retrieved profile to operate the device according to the customer’s preferential data.” Although Horn does store customer profile information in a server, Horn fails to disclose use of any external relay server that contains an address for an external profile server that contains user preference data that may be used for control of an appliance. Horn also fails to disclose reception by the appliance of a profile address, followed by transmission from the appliance of a request to an external profile server, and reception at the appliance of user preference data useful for controlling the appliance.

Based on the foregoing, none of Venkatraman, Tan, or Horn, whether alone or in combination<sup>24</sup>, disclose all features of claim 14. Accordingly, withdrawal of the rejection of claim 14 is warranted, and is respectfully requested. Because dependent claims inherently include all of the features of the claims on which they depend<sup>25</sup>, all claims depending from claim 14 are likewise distinguished over Venkatraman, Tan, and Horn,

such that withdrawal of the rejections of such dependent claims is warranted, and is respectfully requested.

D. The Cited Art Fails to Disclose All Elements of Applicant's Independent Claim 5

Applicant's claim 5 relates to an appliance, including, *inter alia*, a controller arranged to receive a device identifier from a remote communications device, with the controller being configured to communicate with an external relay server and an external profile server, and control the appliance based on one or more user preferences received from the profile server.

Despite differences between independent claims 5 and 14, the April 1, 2009 Office Action included a merely summarial rejection of claim 5 on the following basis:

“Claim 5 differs in statutory class, yet contains limitations that are substantially equivalent to [independent] claim 14 and is therefore rejected under the same basis”<sup>26</sup>.

It has been previously established herein (i.e., in connection with claim 14) that Venkatraman fails to disclose in combination a relay server and a profile server, let alone specific reception and transmission steps involving a relay server and a profile server.

Venkatraman's web browser 40 is provided to “access[] and control the device 10 via the network 30 by accessing the device home page 18, the loader web page 28, and the register interest web page 29 using HTTP protocols<sup>27</sup>.” Such access and control functions of Venkatraman's web browser 40 cannot be equated with the functions of *storing and supplying user preference data* as provided by Applicant's external profile server, or the functions of *storing and supplying profile server address information* as provided by Applicant's external relay server.

As discussed previously, Venkatraman's web server 50 provides software elements, software updates, and package files identifying addresses of one or more software components to be loaded or installed. The software storage and/or software address storage functions of Venkatraman's web server 50 cannot be equated with the functions of *storing and supplying user preference data* as provided by Applicant's external profile server, or the functions of *storing and supplying profile server address information* as provided by Applicant's external relay server.

It has also been previously established herein that Tan fails to disclose (1) an external relay server that contains an address for an external profile server that contains user preference data that may be used for control of an appliance, and (2) reception by the appliance of a profile address, followed by transmission from the appliance of a request to an external profile server, and reception at the appliance of user preference data useful for controlling the appliance.

It has been further established herein that Horn fails to disclose (1) use of any external relay server that contains an address for an external profile server that contains user preference data that may be used for control of an appliance, and (2) reception by the appliance of a profile address, followed by transmission from the appliance of a request to an external profile server, and reception at the appliance of user preference data useful for controlling the appliance.

Based on the foregoing, none of Venkatraman, Tan, or Horn, whether alone or in combination<sup>28</sup>, disclose all features of claim 5. Accordingly, withdrawal of the rejection of claim 5 is warranted, and is respectfully requested. Because dependent claims inherently include all of the features of the claims on which they depend<sup>29</sup>, all claims depending from claim 5 are likewise distinguished over Venkatraman, Tan, and Horn, such that withdrawal of the rejections of such dependent claims is warranted, and is respectfully requested.

E. The Cited Art Fails to Disclose All Elements of Applicant's Independent Claim 9

Despite differences between independent claims 9 and 14, the April 1, 2009 Office Action included a merely summarial rejection of claim 9 on the following basis:

“Claim 9 contains limitations that are substantially similar to [dependent] claim 16, and is therefore rejected under the same basis.”<sup>30</sup>

Independent claim 9 recites, *inter alia*:

- receiving, at the appliance, first access data from memory of a first remote device, the first access data providing network access to first configuration data corresponding to a first set of user preferences on an external network;

- receiving at the appliance at least a portion of the first configuration data via the network access;
- configuring the appliance to a first configuration in accordance with the at least a portion of the first configuration data;
- wherein receiving the at least the portion of the first configuration data includes:
  - receiving first relay data responsive to an external network server identified in the first access data, and
  - receiving the at least a portion of the first configuration data made accessible via the network access by the first relay data.

At a minimum, the foregoing elements of claim 9 in combination are neither taught nor suggested by Venkatraman, Tan, and Horn.

It has been previously established herein (*i.e.*, in connection with claim 14) that Venkatraman fails to disclose in combination a relay server and a profile server, let alone specific reception and transmission steps involving a relay server and a profile server. Regarding claim 9, the external server recited therein is analogous in function to the relay server of claim 14, and the first remote device is analogous in function to the profile server of claim 14. As modified by the foregoing analogs, substantially the same arguments made to distinguish claim 14 over Venkatraman are applicable to claim 9, and are incorporated by reference.

It has also been previously established herein that Tan fails to disclose (1) an external relay server that contains an address for an external profile server that contains user preference data that may be used for control of an appliance, and (2) reception by the appliance of a profile address, followed by transmission from the appliance of a request to an external profile server, and reception at the appliance of user preference data useful for controlling the appliance. Regarding claim 9, the external server recited therein is analogous in function to the relay server of claim 14, and the first remote device is analogous in function to the profile server of claim 14. As modified by the foregoing analogs, substantially the same arguments made to distinguish claim 14 over Tan are applicable to claim 9, and are incorporated by reference.

It has been further established herein that Horn fails to disclose (1) use of any external relay server that contains an address for an external profile server that contains

user preference data that may be used for control of an appliance, and (2) reception by the appliance of a profile address, followed by transmission from the appliance of a request to an external profile server, and reception at the appliance of user preference data useful for controlling the appliance. Regarding claim 9, the external server recited therein is analogous in function to the relay server of claim 14, and the first remote device is analogous in function to the profile server of claim 14. As modified by the foregoing analogs, substantially the same arguments made to distinguish claim 14 over Horn are applicable to claim 9, and are incorporated by reference.

Based on the foregoing, none of Venkatraman, Tan, or Horn, whether alone or in combination<sup>31</sup>, disclose all features of claim 9. Accordingly, withdrawal of the rejection of claim 9 is warranted, and is respectfully requested. Because dependent claims inherently include all of the features of the claims on which they depend<sup>32</sup>, all claims depending from claim 9 are likewise distinguished over Venkatraman, Tan, and Horn, such that withdrawal of the rejections of such dependent claims is warranted, and is respectfully requested.

F. The Cited Art Fails to Disclose All Elements of Applicant's Dependent Claims 22-23

Dependent claims 22-23 were rejected based on a hypothetical combination of Venkatraman with Tan, Horn, and Hanco. Hanco has been cited by the examiner as disclosing "reconfiguring the appliance to a first configuration [when] the smartcard is removed from the appliance<sup>33</sup>." Claims 22-23 depends (whether directly or indirectly) from independent claim 9. Because dependent claims inherently include all of the features of the claims on which they depend<sup>34</sup>, claims 22-23 are distinguished over Venkatraman, Tan, and Horn for the same reasons as articulated hereinabove with respect to independent claim 9. Hanco fails to remedy the above-identified deficiencies of Venkatraman, Tan, and Horn in disclosing all elements of independent claim 9. Accordingly, withdrawal of the rejections of dependent claims 22 and 23 under 35 U.S.C. 103 is warranted, and is respectfully requested.



**CONCLUSION**

In light of the foregoing, Applicants respectfully submit that all of the now-pending claims are in condition for allowance. Examination of all pending claims and issuance of a notice of allowance are earnestly solicited. Should any issues remain that may be amenable to telephonic resolution, the examiner is invited to telephone the undersigned attorneys to resolve such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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**Dated:** May 29, 2009

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